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Attorneys for Defendant  
ALEXA INTERNET, INC.; NIALL  
O'DRISCOLL,

**\*E-FILED - 11/18/08\***

18 UNITED STATES DISTRICT COURT  
19  
20 NORTHERN DISTRICT OF CALIFORNIA  
21  
22 SAN JOSE DIVISION

23 GIRAFA.COM, INC.,

24 Plaintiff,

v.

ALEXA INTERNET, INC.; NIALL  
25 O'DRISCOLL,

26 Defendants.

27 Case No.: 08-2745 RMW (RS)

28 **STIPULATION AND []  
ORDER FOR ATTORNEYS FEES AND  
COSTS PURSUANT TO CAL. CODE OF  
CIVIL PROCEDURE § 425.16(c)**

1           On October 6, 2008 the Court filed its Order Granting Defendants' Motion to Stay; Denying  
2 Defendants' Motion to Dismiss or Transfer; and Granting Motions to Dismiss and Strike Plaintiff's  
3 Third Claim. In light of the Court granting Defendants' Motion to Strike Plaintiff's Third Claim (the  
4 "Motion to Strike"), Defendants on October 17, 2008 filed Defendants' Motion for Attorneys' Fees  
5 and Costs Pursuant to California Code of Civil Procedure Section 425.16(c) (the "Motion for  
6 Attorneys' Fees and Costs"), seeking their fees and costs for bringing the Motion to Strike and the  
7 Motion to for Attorneys' Fees and Costs.

8           Through undersigned counsel, Plaintiff and Defendants hereby stipulate and agree:

9           (1) Within fourteen days of entry of the Order on this Stipulation, Plaintiff will pay  
10 Defendants the total sum of \$16,000 in full satisfaction of all attorneys' fees, costs and  
11 expenses to which Defendants are entitled pursuant to § 425.16(c) for the Motion to  
12 Strike and the Motion for Attorneys' Fees and Costs; and  
13           (2) The Motion for Attorneys' Fees and Costs, presently scheduled for hearing on  
14 November 21, 2008 may be taken off calendar.

15  
16 DATED: October 31, 2008

SUGHRUE MION, PLLC

17  
18 By: /s/ John B. Scherling  
19 John B. Scherling

20           Attorneys for Plaintiff  
21           GIRAFACOM, INC.

22 DATED: October 31, 2008

DLA PIPER US LLP

23  
24 By: /s/ Elizabeth Day (by consent)  
25 Elizabeth Day

26           Attorneys for Defendant  
27           ALEXA INTERNET, INC.

## **ECF CERTIFICATION**

Pursuant to General Order No. 45, § X.B, the filing attorney attests that the content of this document is acceptable to all persons required to sign this document.

## **ORDER**

This Stipulation and Order is hereby adopted by the Court. Defendants are awarded the total sum of \$16,000 in full satisfaction of all attorneys' fees, costs and expenses to which Defendants are entitled pursuant to § 425.16(c) for the Motion to Strike and the Motion for Attorneys' Fees and Costs, with payment to be made within fourteen days of the entry of this Order.

The Court hereby vacates the hearing date of November 21, 2008 on the Motion for Attorneys' Fees and Costs.

**PURSUANT TO STIPULATION, IT IS SO ORDERED.**

Dated: 11/18/08

Ronald M. Whyte

Honorable Ronald M. Whyte  
UNITED STATES DISTRICT JUDGE